

BEFORE THE SHORELINES HEARINGS BOARD
STATE OF WASHINGTON

James Cobb, dba POTLATCH RV
RESORT,

Appellant,

v.

TOWN OF LA CONNER,

Respondent.

SHB No. 88-29

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

This matter, a request for review of the denial of a shoreline substantial development permit for the expansion of a recreational vehicle park, came on for hearing on October 10, 1988, in LaConner, Washington, before the Shorelines Hearings Board; Wick Dufford (presiding), Judith A. Bendor, Harold S. Zimmerman, Robert C. Schofield and William T. Geyer.

George Livesey, Jr., attorney at law, represented the appellant James Cobb. Bradford E. Furlong, attorney at law, represented the Town of LaConner. The proceedings were reported by Rebecca Winters.

1 After opening statements, the Board conducted a view of the
2 proposed development site. Thereafter, witnesses were sworn and
3 testified. Exhibits were examined. Argument was heard. From the
4 testimony, exhibits and contentions of the parties the Board makes
5 these

6 FINDINGS OF FACT

7 I

8 Dr. James Cobb owns the Potlatch RV Resort in the town of
9 LaConner. The resort is located on property leased from the Port of
10 Skagit County on the shorelines of the Swinomish Slough. The resort
11 lies adjacent to a sizable marina within an area designated "Urban"
12 under the LaConner Shoreline Master Program.

14 II

15 The existing resort includes about 53 spaces for recreational
16 vehicles (RV's) and provides a variety of services including water,
17 sewer, power and TV cable hook-ups, a pool, spa, meeting room, cooking
18 facilities and laundry. Immediately to the north of the present
19 development, Dr. Cobb seeks to add 80 spaces in an area next to the
20 marina basin covering approximately one and a half acres.

21 III

22 Dr. cobb sought a shoreline substantial development permit for
23 the proposed expansion which was denied by the LaConner Town Council.
24 The date of filing this decision with the state Department of Ecology
25

26 FINAL FINDINGS OF FACT
27 CONCLUSIONS OF LAW AND ORDER

1 was May 27, 1988. On June 27, 1988, a Request for Review on behalf of
2 Dr. Cobb was filed with this Board.

3 IV

4 The purpose of the proposed RV park extension is simply to add
5 more spaces for short-term RV accommodation (maximum, two weeks). No
6 new services not already offered by the resort are contemplated. In
7 addition to the spaces and hookups, a small playground is contemplated
8 and an eight feet high fence with landscaping will be provided on the
9 north boundary of the newly developed area. At present this area is a
10 vacant, open field.

11 V

12 Pursuant to a Prehearing Order, the Town filed a statement dated
13 August 22, 1988, setting forth the basis for denying the permit. The
14 statement referred to the LaConner Shoreline Master Program provisions
15 limiting non-residential development in areas designated "Urban" to
16 "shoreline-dependent" and "shoreline-related" uses. Sections
17 VII(A)(2) and VIII(A)(7).

18 The Town took the position that the proposed RV park expansion is
19 neither "shoreline-dependent" nor "shoreline related".

20 VI

21 In response, appellant filed an amended statement of issues,
22 dated August 29, 1988, asserting that the proposed expansion is
23 consistent with the definition of "shoreline-related" set forth in the
24

1 master program. Appellant pointed out that in 1985 the original part
2 of the development was permitted as a shoreline-related project and
3 that the relevant terms of the Master Program have not been changed.

4 Appellant conceded that the expansion does not fall within the
5 "shoreline-dependent" category.

6 VII

7 The Master Program contains the following definition at Section
8 IV(V.)

9 Shoreline-related: Related to shoreline by:

- 10 1. Being an integral component of a shoreline
11 dependent use, such as marina parking space;
12 2. Being functionally related to shoreline
dependent uses, such as marine-oriented retail or
service establishment, or;
3. Providing an opportunity for substantial
numbers of people to enjoy the shoreline.

14 VIII

15 The marina operation is separate from the RV park and is not in
16 any way dependent on the RV park. Adequate separate parking
17 facilities are available at the marina. The relationship between the
18 two operations is merely one of physical proximity.

19 We conclude that the proposed RV park extension would not be an
20 integral component of a shoreline dependent use.

21 IX

22 In general, the services offered by the RV park at present, and
23 as proposed for extension, are not particularly related by function to
24 the conduct of nearby shoreline dependent uses.

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26 FINAL FINDINGS OF FACT
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1 The resort does provide a place where persons who have boats in
2 the marina or who wish to launch boats there may stay overnight.
3 Additionally it provides a parking space for a limited few boat
4 trailers. But, boat trailer parking space is also available at the
5 marina, and most RV owners bringing in boats use the marina's trailer
6 parking. Use of the resort by boaters is a decidedly minor part of
7 its business.

8 The prime function of the RV park is to provide a place where RVs
9 can be kept overnight and get the kinds of services typical of such
10 resorts, regardless of location.

11 We conclude that the proposal before us does not qualify as
12 functionally related to shoreline dependent uses.

X

14 The RV resort has recently converted to a membership format,
15 associated with a national network. As many as 10 memberships may be
16 sold for each RV pad. Non-members will be able to find space only
17 after members have been accommodated.

18 As noted, a small number of the park's customers also use the
19 facilities at the marina. In addition, during the annual smelt
20 fishing season, many of the resort's users are engaged in this kind of
21 fishing. Smelt are taken from spots along LaConner's entire urban
22 waterfront, not solely in the vicinity of the marina. The
23 relationship between the RV park and access to the water for fishing is
24 not substantially different from that of any other place of
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1 accommodation in the town. There is no convincing evidence that a
2 larger RV park would measureably increase smelt fishing in LaConner.

3 The primary attraction for customers of the resort is the
4 historic and attractive LaConner downtown business district which can
5 be reached by a few blocks walk. Shoreline access, per se, is
6 incidental to the resort's location. But, there is nothing intrinsic
7 in the resort's character drawing the public to the water, beyond its
8 shoreline proximity. For example, it does not act as a magnet for
9 shoreline use because it opens up water views or water uses not
10 available without it.

11 Under all the facts, we are not persuaded that the RV park
12 extension would have a positive impact on access to shorelines by the
13 general public which can be deemed substantial.

14 XI

15 Any Conclusion of Law which is deemed a Finding of Fact is hereby
16 adopted as such.

17 From these Findings of Fact the Board enters the following

18 CONCLUSIONS OF LAW

19 I

20 We conduct our review to determine the consistency of the
21 proposed development with the Shoreline Management Act, Chapter 90.58
22 RCW, and the applicable master program. RCW 90.58.140(2)(b).

23 II

24 The LaConner Shoreline Master Program, applicable here, states at
25

26 FINAL FINDINGS OF FACT
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1 Section VIII(A.)(7)(a):

2 In the Urban Area only shoreline dependent,
3 shoreline related and residential development
4 shall be permitted.

5 III

6 No contention is made that the proposed RV park extension is
7 either shoreline dependent or residential development. Based on our
8 findings, we conclude that the proposal is not shoreline related.
9 Therefore, under the Master Program it is not a permitted use.

10 IV

11 The prior permit for the original RV resort was not reviewed by
12 this Board and its validity is not now before us.

13 In light of our conclusions, the Town's argument about the
14 relationship of the shoreline program to its underlying zoning scheme
15 need not be addressed.

16 V

17 Any Finding of Fact which is deemed a Conclusion of Law is
18 adopted as such.

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j FINAL FINDINGS OF FACT
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(7)

2 From these Conclusions of Law, the Board enters the following
3 ORDER

4 The decision of the Town of LaConner denying a shoreline
5 substantial development permit to Dr. James Cobb for expansion of the
6 Potlatch RV Resort is affirmed.

7 DONE this 15th day of November, 1988.

8 SHORELINES HEARINGS BOARD

9
10 Wick Dufford
WICK DUFFORD, (Presiding)

11 Judith A. Bendor
12 JUDITH A. BENDOR, Member

13 Harold S. Zimmerman
14 HAROLD S. ZIMMERMAN, Member

15 Robert C. Schofield
16 ROBERT C. SCHOFIELD, Member

17 William T. Geyer
18 WILLIAM T. GEYER, Member